

John Barhoum, OSB No. 045150

Email: john.barhoum@chockbarhoum.com

Jeff Hansen, OSB No. 923290

Email: jeff.hansen@chockbarhoum.com

Jordyn M. Parsons, OSB No. 174321

Email: jordyn.parsons@chockbarhoum.com

Chock Barhoum LLP

121 SW Morrison St., Suite 500

Portland, OR 97204

Telephone: 503.223.3000

Attorneys for Defendant Rite Aid Hdqtrs. Corp.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DAMONICA MOORE,

Case No. 3:22-cv-615

Plaintiff,

v.

**DEFENDANT RITE AID HDQTRS.,
CORP.'S NOTICE OF REMOVAL**

RITE AID HDQTRS. CORP. and WINKAL
HOLDINGS, L.L.C.,

JURY TRIAL REQUESTED

Defendants.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, § 1446 and § 1332(a), Defendant Rite Aid Hdqtrs, Corp's (hereinafter "Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court of Oregon, Portland Division. The grounds for removal of this action are:

RELEVANT FACTS

On March 22, 2022, Plaintiff filed a Complaint in the Circuit Court of Multnomah County, Oregon. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jeffrey W. Hansen (hereinafter “Hansen Dec.”), ¶2. On March 25, 2022, Plaintiff served Rite Aid Hdqtrs, Corp with a Summons and Complaint captioned *Damonica Moore vs. Rite Aid Hdqtrs. Corp. an Winkal Holdings, L.L.C.*, Case No: 22CV09945, filed in the Circuit Court for the State of Oregon for the County of Multnomah, State of Oregon. *See Hansen Dec.*, ¶3, Ex. C. On March 25, 2022, Plaintiff served Winkal Holdings, L.L.C. with a Summons and Complaint captioned *Damonica Moore vs. Rite Aid Hdqtrs. Corp. an Winkal Holdings, L.L.C.*, Case No: 22CV09945, filed in the Circuit Court for the State of Oregon for the County of Multnomah, State of Oregon. *See Hansen Dec.*, ¶4, Ex. D. These documents, taken together, constitute all process, pleadings and orders served on Rite Aid Hdqtrs, Corp in that action up to the present date. *Hansen Dec.*, ¶5.

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff's principal claims for relief against the defendants exceed \$75,000. Plaintiff seeks damages of \$100,000.00. Complaint ¶9, 11 and Prayer.

2. Plaintiff and all of the defendants are residents of different states. Plaintiff is a resident of Multnomah County, Oregon. *See* Complaint ¶2.A. Rite Aid Hdqtrs., Corp. is a

subsidiary of Rite Aid Corporation, incorporated under the laws of the state of Delaware with its principal place of business headquartered in Pennsylvania. *Hansen Dec.*, ¶6. See Rite Aid Hdqtrs, Corp's Corporate Disclosure Statement, filed concurrently herewith. On information and belief, Defendant Winkal Holdings, L.L.C. is incorporated under the laws of the State of New York. *Hansen Dec.*, ¶7. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Rite Aid Hdqtrs, Corp. A copy of the Service of Process/Declaration of Service is attached to the *Hansen Dec.* as Ex. C. A copy of the Service of Process/Declaration of Service relative to Defendant Winkal Holdings, L.L.C. is attached to the *Hansen Dec.* as Ex. D.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Rite Aid Hdqtrs, Corp will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

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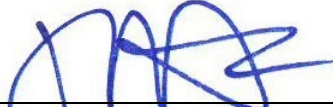
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WHEREFORE, Defendant Rite Aid Hdqtrs, Corp prays that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

DATED this 25th day of April, 2022.

CHOCK BARHOUM LLP



John R. Barhoum, OSB No. 045150

Email: john.barhoum@chockbarhoum.com

Jeff Hansen, OSB No. 923290

Email: jeff.hansen@chockbarhoum.com

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

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DAMONICA MOORE,

Case No. 3:22-cv-615

Plaintiff,

CERTIFICATE OF SERVICE

v.

RITE AID HDQTRS. CORP. and WINKAL
HOLDINGS, L.L.C.,

Defendants.

I hereby certify that on the 25th day of April, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such

filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing

DEFENDANT'S NOTICE OF REMOVAL was served as stated below on:

Richard E. Davis, Jr.
Clark Law & Associates LLC
6501 SW Macadam Avenue, Suite E
Portland, OR 97239
Attorneys for Plaintiff

- ☐ By hand delivery
- ☐ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
Fax #:
Matter.CustomField.Pltf1Attorney.PrimaryFaxNumber >>
- ☒ By e-mail:
rick@clarklawportland.com
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 25th day of April, 2022.

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